

**United States District Court  
Southern District of New York**

**Case No. 25-cv-4257 (VSB)**

**LOW TECH TOY CLUB, LLC,  
Plaintiff,  
v.**

**Shanghai Yongjiu Textile Technology Co., Ltd.  
Serena (Pro Se) Sole Proprietor of Shanghai Yongjiu Textile Technology Co., Ltd.**

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**Defendant's Opposition to Plaintiff's Motion for Preliminary Injunction**

Defendant, a sole proprietor based in the People's Republic of China, respectfully submits this Pro Se opposition to Plaintiff's motion for preliminary injunction. As an individual unfamiliar with U.S. legal proceedings, Defendant asks the Court to consider the following arguments with fairness and understanding.

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**I. No Irreparable Harm**

**Product was permanently removed from all platforms on June 9, 2025**

Immediately upon receiving Plaintiff's notice of alleged infringement, Defendant took prompt action to delist the crochet doll from all storefronts. (See Exhibit A: screenshots and platform records confirming removal.)

**Zero sales and zero page traffic**

During the brief testing period, the product generated no sales or page views whatsoever. (See Exhibit B: complete email correspondence with Plaintiff's counsel.)

**Legal Basis**

Under Federal Rule of Civil Procedure 65(b), a preliminary injunction requires proof of irreparable harm—meaning harm that cannot be compensated by money.

In this case, no commercial transaction or promotion occurred, and Plaintiff suffered no quantifiable harm. The alleged injury is purely speculative and can be addressed through monetary remedies if necessary.

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**II. Equitable Defenses Preclude Injunctive Relief**

**Defense of Innocent Infringement Applies**

- Legal Basis: The Lanham Act § 35 (15 U.S.C. § 1117(b)) provides:

"In cases of use by a person in good faith and without knowledge of the infringement, the court may reduce or eliminate liability."

**- Facts:**

- The crochet doll was sourced from 1688.com, a supplier platform, with no trademark or copyright notice. (See Exhibit C: product listing screenshots.)
- Defendant delisted the product immediately after receiving notice and made multiple good-faith efforts to communicate with Plaintiff's counsel. This demonstrates no willful or knowing misconduct.

**Request for Waiver of Damages**

Given there were no sales, no traffic, and no consumer confusion, Defendant respectfully requests that the Court consider full waiver of monetary damages, including the possibility of determining that zero (\$0) compensation is appropriate.

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**III. Balance of Equities Favors Denial of Injunction**

**Economic hardship to Defendant**

Plaintiff has frozen approximately \$5,000 in Defendant's working capital, resulting in inability to pay rent and essential business expenses.

**Plaintiff's settlement demand is disproportionate**

Plaintiff has proposed an \$8,500 lump-sum settlement, which is grossly disproportionate to actual damages (\$0).

This financial pressure could devastate Defendant's small business and personal livelihood.

**Legal Precedent**

Courts must consider the balance of hardships when evaluating injunctive relief. (*Winter v. Natural Resources Defense Council*, 555 U.S. 7 (2008)).

Here, Defendant faces substantial and immediate harm, while Plaintiff cannot demonstrate meaningful injury from a product that was never sold or viewed.

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**IV. Public Interest Weighs Against Over-Enforcement**

**Preserving judicial access for micro-enterprises**

Overextension of trademark enforcement threatens small cross-border businesses and discourages lawful participation in global commerce.

**Avoiding misuse of IP rights**

Trademark protection is meant to prevent consumer confusion—not to penalize unintentional, non-commercial product tests. The public interest does not support such aggressive legal action.

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## **V. Relief Requested**

**In light of the foregoing, Defendant respectfully requests that the Court:**

#### **Deny Plaintiff's motion for preliminary injunction;**

## **Lift the freeze on Defendant's accounts and assets;**

**Permit Defendant to respond in writing without mandatory telephonic appearance;**

**Pursuant to Lanham Act § 35, waive all monetary damages, including the possibility of \$0 compensation;**

**Order Plaintiff to bear the costs of this proceeding;**

**Grant such further relief as the Court deems just and proper.**

Defendant respectfully asks the Court to exercise its equitable discretion and render a fair and proportionate decision.

## List of Exhibits

## **Exhibit A: Proof of product removal (Platform Fund Freeze Record)**

June 9: Received the first TRO notice email; the product listing was removed by the platform, and all USD funds in the platform account were frozen.

美国银行禁令	USD 4,910.99	USD 4,910.99	2025-06-09 10:40:22	T_238e0c9b423a51ecd263f6fb05641c8zeroers_2219081361810	<a href="#">查看冻结详情</a>
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**Exhibit B: Complete email correspondence with Plaintiff's counsel, showing apology and compliance**

## Statement Regarding Unintentional Infringement and Request for Complaint Withdrawal

Tennki <serenagt@gmail.com>  
发送至 gnatasi <  
  
Dear Ms. Melissa Levine,  
  
I am the owner of **Shanghai Yongjiu Textile Technology Co., Ltd.**, a newly registered micro business on Alibaba International, established in early 2025. My store primarily focuses on customized yarn and textile products.  
  
I was informed this morning that you have filed a complaint on behalf of Woobles against my store for listing a product that allegedly infringes upon your client's intellectual property rights. I was truly shocked and sincerely apologize for this situation. I would like to take this opportunity to explain the circumstances and respectfully request the withdrawal of the complaint.  
  
The product in question is a crochet kit that I sourced from the Chinese wholesale platform 1688, based on its popularity. At the time of listing, I was completely unaware that the product was related to the Woobles brand or protected by any intellectual property rights. This item was not part of my main product line and was listed for less than one month. It generated zero sales and no revenue prior to removal.  
  
As soon as I became aware of the issue, I immediately and permanently removed the listing and conducted a full review of my store's inventory to ensure compliance. I have since educated myself on international IP regulations and will strictly follow all relevant rules going forward.  
  
I am also more than willing to assist your team in protecting your brand. I can provide the original 1688 product link from which I sourced the item, in case it helps you trace the root source and prevent further unauthorized use.  
  
Due to the complaint filed by your firm, my store is currently frozen by the platform, and all operating funds have been withheld. As a new seller who has invested heavily into getting started, I am currently operating at a loss and facing financial difficulties. If the platform deducts the frozen balance, I may be forced into bankruptcy.  
  
Therefore, I respectfully ask that, after reviewing the facts, you consider my situation as a **first-time, unintentional offender who has taken immediate corrective action and received no profit from the listing**. I sincerely request that you withdraw the complaint against my store and offer me a chance to rectify my mistake.  
  
As I am currently under significant financial stress, I am unable to offer any monetary settlement or compensation. I hope you can take this into consideration and extend leniency based on goodwill.  
  
Thank you very much for your time and understanding. I truly appreciate the opportunity to explain myself and hope we can resolve this matter peacefully.  
  
Best Wishes,  
  
Shanghai Yongjiu Textile Technology Co.,Ltd.  
  
Email address: [serenagt@gmail.com](mailto:serenagt@gmail.com)  
  
WhatsApp: +86 15051269756

June 9: Sent the first email to Plaintiff's counsel on the same day after receiving the notice.

Sincere Follow-Up Regarding Request for Complaint Withdrawal

Tennki <serenagtq@gmail.com>  
发送至 gnastasi ✓

6月10日周二 17:32 ☆ ⓘ ↻

Dear Ms. Melissa Levine,

I hope this message finds you well.

I am the owner of *Shanghai Yongjii Textile Technology Co., Ltd.*, a small business I started in early 2025.

Yesterday, I sent you an email to sincerely explain the situation regarding a product listed in my store and to respectfully request the withdrawal of the complaint. Given how significantly this issue has impacted me, I am writing again to follow up and express my sincere apologies and further clarification.

I am an individual entrepreneur who has just started this small shop, which mainly sells yarn and textile materials. To launch my store, I invested all of my personal savings. As the business has only been operating for a few months and has received very few orders, I am still operating at a loss.

The crochet kit in question was something I came across by chance on the Chinese wholesale platform 1688. It appeared to be a popular item, so I decided to try listing it. When I received the product, there was no logo or branding on the packaging, and as someone new to this industry, I genuinely had no idea that it belonged to a registered brand. If I had known it was protected by your client's trademark, I would never have dared to list or sell it.

The product was online for only a short period and generated no sales at all. I first heard of the "Woobles" brand only after receiving a notification from the platform. I immediately and permanently removed the listing and conducted a full review of my store's inventory to ensure nothing similar happens again.

Currently, all of my funds have been frozen by the platform due to the complaint. This money is vital not only for maintaining my operations but also for my basic living expenses. I take this issue very seriously and care deeply about resolving it. However, due to my limited financial situation, I cannot afford legal representation, which is why I've chosen to reach out to you personally and explain everything myself.

I kindly ask for your understanding of my position as a new and small business owner. This incident was entirely unintentional and without any malicious intent. I hope you might consider withdrawing the complaint against my store and giving me an opportunity to correct this honest mistake and continue trying to build my business.

Once again, I sincerely apologize for any trouble this has caused. Thank you very much for taking the time to read my message. If you need any further information or clarification, I am more than willing to cooperate. I truly hope to hear back from you soon.

Thank you for your understanding and compassion.

Sincerely,

Shanghai Yongjii Textile Technology Co., Ltd.  
Email: serenagtq@gmail.com  
WhatsApp: +86 150 5126 9756

June 10: Sent the second email to Plaintiff's counsel.

Sincere Follow-Up: Confirmation of Email Receipt

Tennki <serenagto@gmail.com>  
发送至 gnastasi ▾6月12日周四 17:38 ☆ ☺ ↗

Dear Attorney Melissa Levine,

I hope this message finds you well. I apologize for the interruption. On June 9 and June 10, I sent you two emails explaining the situation regarding my shop and sincerely requesting the withdrawal of the complaint.

As this matter has had a significant impact on my business and livelihood, I am writing to kindly confirm whether you have received those emails. If you require any additional information or supporting documents, please do not hesitate to let me know—I am more than willing to cooperate fully and promptly.

Thank you very much for your time and understanding. I truly look forward to your response.

Sincerely,  
Shanghai Yongjiu Textile Technology Co., Ltd.  
Email: serenagto@gmail.com

June 12: Sent the third email to Plaintiff's counsel.

G Gabriela Nastasi  
发送至 Danielle, Melissa, 我 ▾

翻译成中文

Hello,

We are in receipt of your email and will be in touch shortly.

Best,

  
Gabriela N. Nastasi  
Associate  
Epstein Drangel LLP  
60 East 42nd Street, Suite 1250  
New York, NY 10165  
T: 212.292.5390 x 214  
F: 212.292.5391  
E: gnastasi@pcounselors.com  
[website](#) | [bio](#) | [LinkedIn](#) | [vCard](#) | [map](#)

### June 12: Received the first reply from Plaintiff's counsel.

T Tennki <serenagto@gmail.com>  
发送至 Gabriela, Danielle, Melissa ▾

Dear All,

Thank you for your reply on June 13 confirming that you received my previous emails. I understand you may be busy, and I truly appreciate your time and attention.

However, I kindly write again because the complaint has led to my store's funds being frozen, which is placing immense pressure on my business and personal life. As a new individual seller who made a genuine mistake without any malicious intent—and who earned no profit from the product—I sincerely ask if you would consider withdrawing the complaint.

Resolving this issue would mean everything to me and allow me to keep my small business running. I remain ready to cooperate fully and provide any additional information if needed.

Thank you so much for your understanding and kindness. I genuinely hope to hear from you soon.

Warm regards,  
Shanghai Yongjiu Textile Technology Co., Ltd.

Gabriela Nastasi <gnastasi@pcounselors.com> 于2025年6月12日周四 21:17写道:  
...

### June 18: Sent the fourth email to Plaintiff's counsel.

Follow-Up Statement on Unintentional Infringement and Request to Withdraw Complaint

T Tennki <serenagto@gmail.com>  
发送至 Gabriela, Danielle, Melissa ▾

6月26日周四 12:36 (12天前)

Dear Attorney Melissa Levine,

I hope this message finds you well.

Thank you for your reply on June 12 confirming receipt of my previous emails. As I have not yet received any further updates, I am writing to follow up.

As you are aware, my store's funds remain frozen by the platform due to the complaint, which is placing significant strain on both my business operations and livelihood. I remain sincerely committed to resolving this matter amicably and would like to understand:

1. What specific expectations does your client have for resolving this issue?
2. What is an estimated timeline for finalizing an agreement?

If you could provide guidance on these points, I will promptly take the necessary steps. I appreciate that your schedule is very busy and thank you sincerely for your attention and assistance.

Looking forward to your any response.

Sincerely,  
Shanghai Yongjiu Textile Technology Co., Ltd.  
Email address: [serenagto@gmail.com](mailto:serenagto@gmail.com)

### June 26: Sent the fifth email to Plaintiff's counsel.

M Melissa Levine  
发送至 我, Gabriela, Danielle ▾

翻译成中文

FRE 408

Dear Sir/Madam:

We are in receipt of your email and thank you for your attention to this matter. We will respond in due course with further information.

Best,  
Melissa

  
Melissa Levine  
Associate  
Epstein Drangel LLP  
60 East 42nd Street, Suite 1250  
New York, NY 10165  
T: 212.292.5390  
F: 212.292.5391  
E: [mlevine@pcounselors.com](mailto:mlevine@pcounselors.com)  
[website](#) | [bio](#) | [LinkedIn](#) | [vCard](#) | [map](#)

### June 26: Received the second reply from Plaintiff's counsel.

Registered: Notice of Lawsuit and Order to Show Cause - Civil Case No. 25-cv-4257 



Dear Sir/Madam,

**Notice of Lawsuit and Order to Show Cause**

Civil Case No. 25-cv-4257; Low Tech Toy Club, LLC d/b/a The Woobles v. 1688 3C Electronics Direct Store, et al.

We are legal counsel to Low Tech Toy Club, LLC d/b/a The Woobles ("Plaintiff" or "The Woobles"). This letter serves as notice that a lawsuit has been filed by The Woobles against you ("Defendant") in the United States District Court for the Southern District of New York, Case No. 25-cv-4257 ("Lawsuit"). All relevant documents can be accessed and downloaded below.

On June 3, 2025, the Court entered an *ex parte* Temporary Restraining Order, Order Restraining Merchant Storefronts and Assets with the Financial Institutions, Order to Show Cause Why a Preliminary Injunction Should Not Issue, Order Authorizing Bifurcated and Alternative Service and Order Authorizing Expedited Discovery against Defendants ("TRO"). On June 9, 2025 the Court entered an order extending the TRO ("TRO Extension Order").

Pursuant to the Orders, **Defendant is ordered to appear before Judge Vernon S. Broderick via teleconference hearing on July 9, 2025 at 2:00 p.m. EST** and show cause why a preliminary injunction should not issue against Defendant ("Show Cause Hearing"). The dial-in number is 1-855-244-8681 and the access code is 2309 3085 835.

Please be advised that Defendant's failure to appear at the Show Cause Hearing may result in the imposition of a preliminary injunction against you, which may extend throughout the length of the Lawsuit.

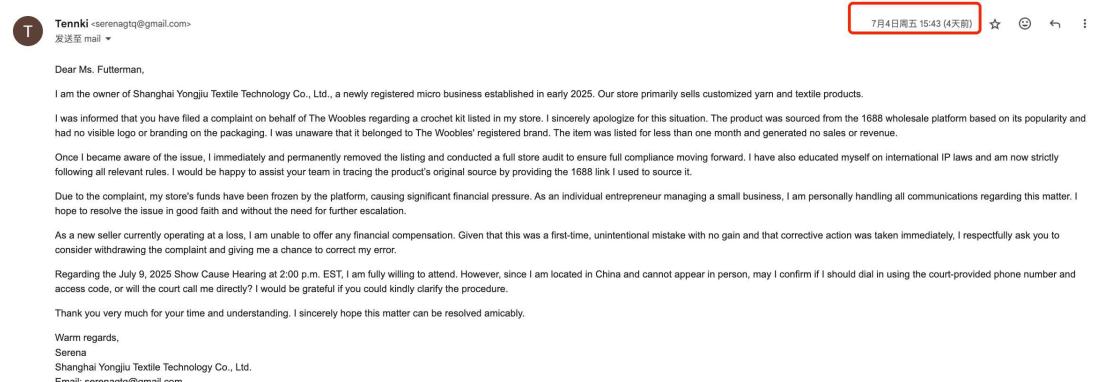
All documents relevant to the Lawsuit can be accessed and downloaded via the following links:

<http://www.ipcounselorslawsuit.com/lowtech-1688/>

[https://www.jianguoyun.com/p/DSWUWD8Q4YjABhiYn\\_sfIAA](https://www.jianguoyun.com/p/DSWUWD8Q4YjABhiYn_sfIAA)

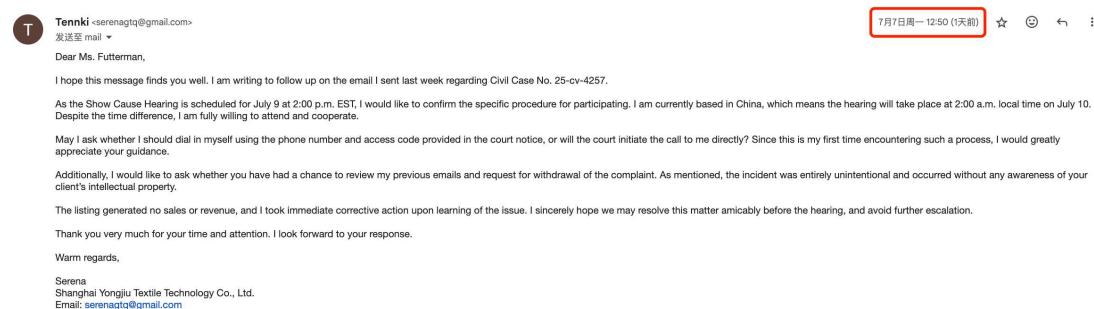
## June 28: Received the "Notice of Lawsuit and Order to Show Cause" from Plaintiff's counsel.

Request to Withdraw Complaint – Shanghai Yongjiu Textile Technology Co., Ltd.



## July 4: Sent the sixth email to Plaintiff's counsel.

Follow-Up: Response to Lawsuit Notice – Civil Case No. 25-cv-4257 (Shanghai Yongjiu Textile Technology Co., Ltd.)



## July 7: Sent the seventh email to Plaintiff's counsel.

(Woobles II) - 25-cv-4257 - Shanghai Yongjiu Textile Technology Co., Ltd. \* FRE 408\* [\[附件箱\]](#)

**M** **Melissa Levine**  
发送至 我、Danielle、Gabriela ▾

**FRE 408**

Dear Serena,

Thank you for your attention to this matter. The evidence against your company, Shanghai Yongjiu Textile Technology Co., Ltd., demonstrates that your company has sold and/or offered for sale Counterfeit Products (i.e., infringing Woobles Products) through its Merchant Storefront on Alibaba.

However, despite your company's infringing actions as described above, in hopes to resolve this matter amicably, I have been authorized to present a settlement demand of \$8,500.00. Please advise on whether you accept this offer.

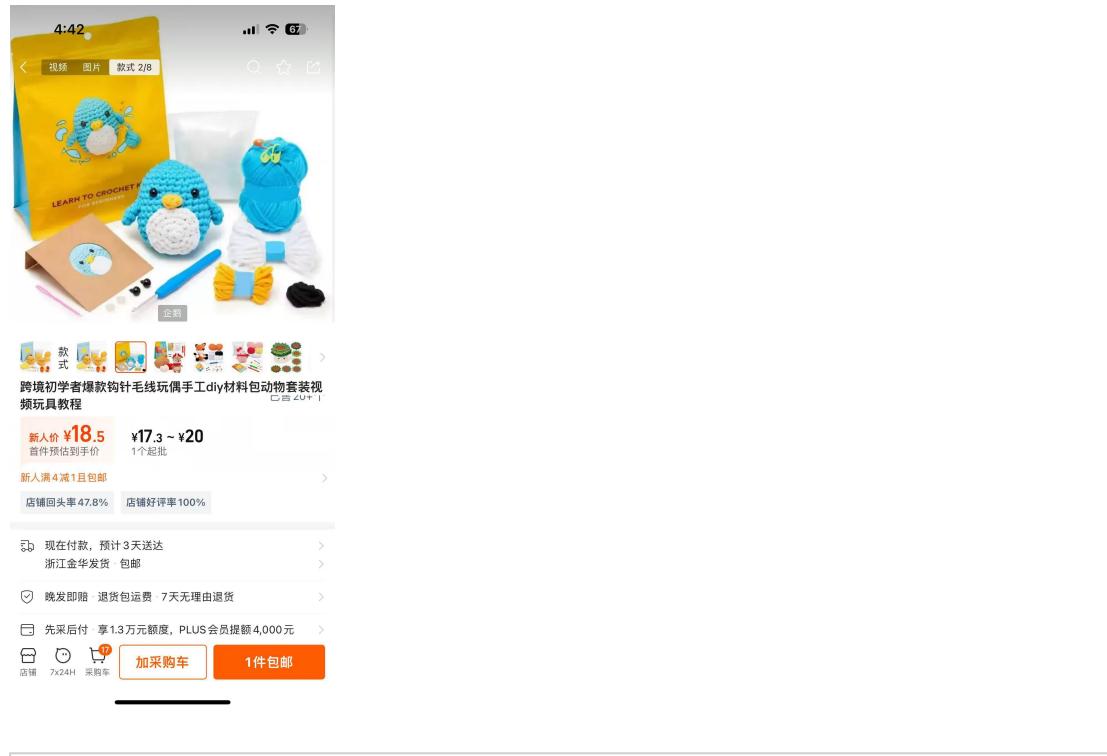
In terms of the Show Cause Hearing, if we cannot settle this matter and you are planning to appear you should use the phone number and access code provided by the Court.

Best,  
Melissa

**Melissa Levine**  
Associate  
Epstein Drangell LLP  
60 East 42nd Street, Suite 1250  
New York, NY 10165  
T: 212.292.5390  
F: 212.292.5391  
E: [mlevine@ipcounselors.com](mailto:mlevine@ipcounselors.com)  
[website](#) | [blog](#) | [vcard](#) | [map](#)

July 7: Received the fourth reply from Plaintiff's counsel.

### Exhibit C: 1688 product listing screenshots (with no trademark or copyright notices)



**Defendant (Pro Se)**  
**/s/ [Serena]**  
**Sole Proprietor of Shanghai Yongjiu Textile Technology Co., Ltd.**

**Phone: +86-15051269756**

**Email: [serenagtq@gmail.com](mailto:serenagtq@gmail.com)**

**Dated: July 8th, 2025**